

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

W.R. GRACE & CO., *et al.*,

Debtor.

Chapter 11

Case No. 01-01139 (JKF)

Jointly Administered

Ref. Nos. 26527 and 26582

STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

Pursuant to Fed. R. Bankr. P. 8006 and Del. Bankr. L.R. 8001-1, claimants injured by exposure to asbestos from the Debtors' operations in Lincoln County, Montana (the "Libby Claimants"),¹ hereby submit their Statement of Issues to Be Presented on Appeal, in their appeal from this Court's Order Confirming First Amended Joint Plan of Reorganization as Modified through December 23, 2010, and Recommending that the District Court Enter an Order Issuing and Affirming this Order and Adopting Recommended Findings of Fact and Conclusions of Law entered by the Hon. Judith K. Fitzgerald on January 31, 2011 (Docket No. 26155, as amended on February 15, 2011 by Docket. No. 26289, hereafter the "Confirmation Order") and the Memorandum Opinion Regarding Objections to Confirmation of First Amended Joint Plan of Reorganization and Supplemental Findings of Fact and Conclusions of Law entered by Judge Fitzgerald on January 31, 2011 (Docket No. 26154, as amended on February 15, 2011 by Docket No. 26289, hereinafter the "Memorandum Opinion") (the Confirmation Order and the Memorandum Opinion are referred to collectively as the "Confirmation Orders").

¹ As identified in the Amended and Restated Verified Statement of Cohn Whitesell & Goldberg LLP and Landis Rath & Cobb LLP Pursuant to Fed. R. Bankr. P. 2019 [Docket No. 24713], as it may be amended and restated from time to time.

Statement of Issues to Be Presented

1. Did the Bankruptcy Court err in confirming a Chapter 11 plan that deprived the Libby Claimants of their right to trial by jury?
2. Did the Bankruptcy Court err in confirming a Chapter 11 plan that discriminates against the Libby Claimants, in violation of In re Combustion Engineering, Inc., and Sections 1122(a), 1123(a)(4) and other provisions of the Bankruptcy Code?
3. Did the Bankruptcy Court err in confirming a Chapter 11 plan under which certain of the Libby Claimants will receive less than they would in a Chapter 7 liquidation of the Debtor, in violation of Section 1129(a)(7) of the Bankruptcy Code?
4. Did the Bankruptcy Court err in confirming a Chapter 11 plan that imposes injunctions and releases exceeding its jurisdiction and impermissible under Bankruptcy Code Section 524(g) and other applicable law?
5. Did the Bankruptcy Court err in excluding evidence that the Libby Claimants submitted in connection with the confirmation of the Plan?

Dated: April 1, 2011
Wilmington, Delaware

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